

Social Security (Social Assistance) Amendment Bill

24 August 2004

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
Social Security (Social Assistance) Amendment Bill

1. We have considered whether the Social Security (Social Assistance) Amendment Bill ("the Bill") (PCO 5946/13) is consistent with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). We understand that this Bill is to be considered by the Cabinet Legislation Committee on Thursday, 2 September 2004.
2. This Bill proposes a number of amendments to the Social Security Act 1964. These amendments are intended to:
 - put into effect measures to encourage more sole parents beneficiaries to establish paternity and apply for child support;
 - extend the eligibility for accommodation supplement to residents of retirement villages who have "license of occupy"
 - ensure that benefit applicants who work for part of the year are not financially disadvantaged by enabling all applicants for benefit assistance to elect a 52-week or 26-week income assessment period for the calculation of their stand down period
 - clarify existing legislation to reflect current practice and policy intent: including providing that where an unemployment benefit applicant has a spouse whose benefit is suspended or cancelled as a result of failing a work test obligation, the applicant cannot receive a full benefit in respect of both of them.
3. We have concluded that the Bill appears to achieve overall consistency with the Bill of Rights Act.
4. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice. A copy is also attached for referral to the Minister of Social Development, if you agree.

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cc Minister of Justice
Minister of Social Development

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whether a report should be made to Parliament under s 7 of the New Zealand Bill of Rights Act 1990 in relation to the Social Security (Social Assistance) Amendment Bill. It should not be used or acted upon for any other purpose. The advice does no more than assess whether the Bill complies with the minimum guarantees contained in the New Zealand Bill of Rights Act. The release of this advice should not be taken to indicate that the Attorney-General agrees with all aspects of it, nor does its release constitute a general waiver of legal professional privilege in respect of this or any other matter. Whilst care has been taken to ensure that this document is an accurate reproduction of the advice provided to the Attorney-General, neither the Ministry of Justice nor the Crown Law Office accepts any liability for any errors or omissions.